

07wf17010a-Ord(Pretial Motions).wpd

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ROBERT JOWERS, et al.,

Plaintiffs,

v.

LINCOLN ELECTRIC CO., et al.,

Defendants

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Case No. 07-WF-17010

(a/k/a Case No. 06-CV-01187 (S.D. Miss.))

JUDGE O'MALLEY

MEMORANDUM AND ORDER

On January 23-24, 2008, the Court held hearings on the record on the pretrial motions filed in this case, and entered rulings on those motions. This Order documents those rulings, *solely* for the purpose of ensuring the docket no longer shows the motions as pending. For the reasons and to the extent stated on the record, and with the conditions and caveats there explained, the Court ruled as follows:<sup>1</sup>

Dkt. 99 Defendants' Motion in Limine to Exclude Testimony of Charles Ruth is **denied without prejudice**.

Dkt. 189 Defendants' Motion to Exclude Longo's Testimony is **denied as moot**.

Dkt. 190 Defendants' Motion to Exclude Testimony of Various Experts is **granted in part**.

Dkt. 226 Defendants' Motion to Exclude Testimony of David Owens is **granted in part as unopposed**.

Dkt. 260 Defendants' Motion to Exclude Evidence of Earlier Opposition to Court-Ordered Epi-

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<sup>1</sup> All denials of motions regarding admissibility of testimony are without prejudice to the parties' right to raise appropriate objections at trial and on appeal. This Order merely documents the Court's rulings in highly simplified fashion; the full contours of the Court's rulings were set out on the record during the hearing, and during previous hearings in this MDL.

Study is **granted as unopposed**.

- Dkt. 261 Defendants' Motion to Exclude Evidence of Warnings Used after Jowers' Last Exposure is **granted without prejudice**.
- Dkt. 262 Defendants' Motion to Exclude Evidence of Prior Court Orders is **granted as unopposed**.
- Dkt. 263 Defendants' Motion to Exclude References to Tobacco and Asbestos Industries is **granted in part**.
- Dkt. 264 Defendants' Motion to Exclude Evidence of Settlement of other WF Claims is **granted as unopposed**.
- Dkt. 265 Defendants' Motion to Exclude Reference to Companies not involved in *Jowers* is **denied**.
- Dkt. 266 Defendants' Motion to Exclude Evidence of Denials of Requests for Admission is **granted as unopposed**.
- Dkt. 267 Defendants' Motion to Exclude Plaintiffs' Animations is **granted in part**.
- Dkt. 268 Defendants' Motion to Exclude References to Hardsurfacing is **denied**.
- Dkt. 270 Defendants' Motion to Exclude Evidence of Lobbying Activity is **granted in part and denied in part**.
- Dkt. 272 Defendants' Motion to Exclude Testimony from Richard LaFave re: AWS Conspiracy is **denied**.
- Dkt. 273 Defendants' Motion for Jury View of Ingalls Shipyard, or to allow Photos/Video of Ingalls Shipyard is **denied**.
- Dkt. 274 Defendants' Motion to Exclude Evidence of "Other Claims," including *Tamraz* verdict is **granted in part and denied in part**.
- Dkt. 278 Defendants' Motion to Exclude Evidence of Jowers' 2003 Serum Manganese Testis **denied**.
- Dkt. 279 Defendants' Motion to Exclude Evidence of David Jowers & Shanell Foster's Medical Conditions is **granted as unopposed**.
- Dkt. 280 Defendants' Motion to Exclude Testimony of David Burns is **granted in part and denied in part**.
- Dkt. 281 Defendants' Motion to Exclude Testimony of Robert Cunitz is **granted in part and denied**

**in part.**

Dkt. 282 Defendants' Motion to Exclude Evidence Unrelated to Failure to Warn Claims is **denied**.

Dkt. 283 Defendants' Motion to Exclude Testimony of Tom Christiansen is **denied**.

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Dkt. 242 Jowers' Motion to Exclude Testimony of Experts Thomas & Schimmel is **denied as moot**.

Dkt. 243 Jowers' Motion to Exclude Evidence of Family Member's Health Conditions is **granted as unopposed**.

Dkt. 244 Jowers' Motion to Exclude Evidence re: Follow-Up Rule 35 Physical Exam is **denied in part**.

Dkt. 246 Jowers' Motion to Exclude Evidence of Kahane's Wife is **granted as unopposed**.

Dkt. 247 Jowers' Motion to Exclude Evidence of Lawyer Advertising is **granted as unopposed**.

Dkt. 248 Jowers' "General" Omnibus Motion in limine is **granted in part and denied in part**.

Dkt. 249 Jowers' Motion to Exclude Evidence of "Other Causes" of his Parkinsonism is **granted in part and denied in part**.

Dkt. 250 Jowers' Motion to Exclude Evidence of Child Support Litigation is **granted as unopposed**.

Dkt. 251 Jowers' Motion to Exclude Evidence of Criminal Record / Driving Record is **granted as unopposed**.

Dkt. 252 Jowers' Motion to Exclude Evidence of Ethnic Slur is **granted as unopposed**.

Dkt. 253 Jowers' Motion to Exclude Evidence of Screenings & Accelerometry is **granted as unopposed**.

Dkt. 254 Jowers' Motion to Exclude Evidence of Danish & Swedish Studies is **denied**.

Dkt. 255 Jowers' Motion to Exclude Evidence of Lack of PET Scan is **denied**.

Dkt. 331 Jowers' Motion to Exclude Certain Testimony by Dr. Brent Furbee is **granted**.

**IT IS SO ORDERED.**

/s/ Kathleen M. O'Malley  
**KATHLEEN McDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED:** January 28, 2008